

REMARKS

I. Status of the Application

Claims 1-7 and 9-22 were pending prior to the Office Action of March 30, 2004. By this amendment, claims 1, 2, 4, 5, 7, and 9 are amended and claims 3, 6, 8, 12, and 13 are canceled. Additionally, the Examiner has withdrawn claims 10, 11, and 14-22 from consideration as being directed to a non-elected invention. Support for the amendments to claims 1, 2, 4, 5, 7, and 9 can be found throughout the specification, more specifically, on page 17, line 32, to page 18, line 24. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Filed concurrently herewith is a Request for a One Month Extension of Time which extends the shortened statutory period of response to July 30, 2004. Accordingly, Applicants respectfully submit that this response is being timely filed.

II. Information Disclosure Statement

On page 2 of the Office Action, the Examiner indicates that the listing of references in the specification is not a proper information disclosure statement. Applicant assumes that the references listed in PTO-1449 and initialed by the Examiner have been considered by the Examiner to the extent provided.

III. Priority of the Application

On pages 2-3 of the Office Action, the Examiner indicates that any non-provisional application claiming the benefit of any prior filed international applications designating the United States must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application. Applicants herein amend the specification accordingly by adopting the Examiner's suggested wording on page 3 of the Office Action.

IV. Enablement Rejections under 35 U.S.C. § 112, first paragraph

As is shown on page 3 of the Office Action, claims 13 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response, claim 13 is canceled herein.

V. Enablement Rejections under 35 U.S.C. § 112, second paragraph

As is shown on pages 3-6 of the Office Action, claims 1-7, 9, 12, and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which the Applicants regard as the invention.

With respect to reason (a) on page 4 of the Office Action, claim 1 has been amended herein to delete the “s” from the first line.

With respect to reason (b) on page 4 of the Office Action, claims 3, 6, 12, and 13 have been canceled and claims 1, 2, 4, 5, 7, and 9 have been amended to replace the term “derivative” with the term “compound”.

With respect to reason (c) on page 4 of the Office Action, claim 1 has been amended to include omitted formula (2).

With respect to reason (d) on page 4 of the Office Action, claims 1, 2, 4, 5, 7, and 9 have been amended to replace all occurrences of 2' with 2'.

With respect to reason (e)-(g) on page 4 of the Office Action, claims 3, 6, and 12 have been canceled.

With respect to reasons (h)-(i) on page 5 of the Office Action, claim 4 has been amended to replace “2-amino-carboxy-diphenylsulfide” with “2-amino-2'-carboxy-diphenylsulfide”.

With respect to reasons (j)-(l) on page 5 of the Office Action, claim 5 has been amended to replace “aiyloxy” with “aryloxy”, “2-nitro-2'-carboxy-diphenylsulfide” with “2-nitro-2'-carboxy-diphenylsulfide”, and “22-amino-2'-carboxy-diphenylsulfide” with “2-amino-2'-carboxy-diphenylsulfide”.

With respect to reason (m) on page 5 of the Office Action, Applicants respectfully submit that claim 4 does not include the term “22 - amino” as is submitted by the Examiner.

With respect to reasons (n)-(o) on page 5 of the Office Action, claim 5 has been amended to include formula (4) and to replace “2-amino-2'-carboxy-diphenyl-sulfide” with “2-amino-2'-carboxy-diphenylsulfide”.

With respect to reasons (p)-(q) on pages 5-6 of the Office Action, claim 6 has been canceled.

With respect to reasons (r) on page 6 of the Office Action, claim 6 has been amended to replace “canboxy” with “carboxy”.

With respect to reasons (s)-(t) on page 6 of the Office Action, claim 12 has been canceled.

Accordingly, Applicants believe the above reasons for rejection of the claims 1-7, 9, and 12 under 35 U.S.C. § 112, second paragraph, have been overcome by the amendments made herein to claims 1, 2, 4, 5, 7, and 9 and the cancellation of claims 3, 6, 12, and 13. Therefore, withdrawal of the above rejections is respectfully requested.

V. Anticipation Rejections under 35 U.S.C. § 102(b)

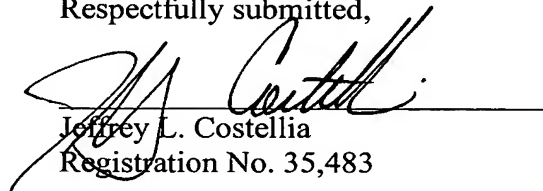
As is stated on page 6 of the Office Action, claims 1, 2, 4, 5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al., Journal of Medicinal Chemistry. This rejection is traversed for at least the reasons advanced below.

Independent claims 1 and 5 have been amended to include limitations recited in canceled claims 3 and 6. Specifically, claims 1 and 5 as amended recite the step of reducing the 2-nitro-2'-carboxy-diphenylsulfide compound of formula (3) "in the presence of a compound selected from the group consisting of Raney-nickel, a ferrous salt, palladium/carbon, palladium/barium sulfate, a palladium compound and a platinum compound," which is not taught by Allen et al. As is stated above, support for this amendment can be found on pages 17 and 18 of the specification. Accordingly, Applicants respectfully request that the rejection of claims 1, 2, 4, 5, 7, and 9 under 35 U.S.C. § 102 be withdrawn.

VI. Conclusions

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1, 2, 4, 5, 7, and 9 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,


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